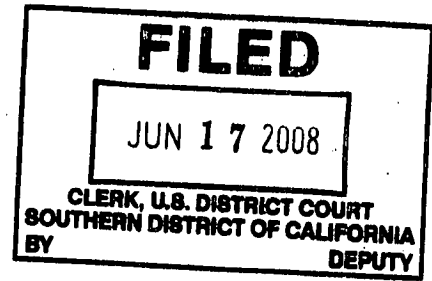


ORIGINAL

1 Bingham McCutchen LLP
WENDY M. LAZERSON (SBN 97285)
2 wendy.lazerson@bingham.com
ELIZABETH CARROLL (SBN 234751)
3 betsy.carroll@bingham.com
EMILY LEAHY (SBN 253866)
4 emily.leahy@bingham.com
1900 University Avenue
5 East Palo Alto, CA 94303-2223
Telephone: 650.849.4400
6 Facsimile: 650.849.4800

7 Attorneys for Defendant
General Motors Corporation



9 UNITED STATES DISTRICT COURT
10 SOUTHERN DISTRICT OF CALIFORNIA

BY FAX

11
12 BRIAN HOUGH, individually, and on
13 behalf of all other similarly situated
14 current and former employees of
Defendants in the State of California,

15 Plaintiffs,

16 v.

17 AEROTEK, INC., a Maryland
18 Corporation; GENERAL MOTORS
19 CORPORATION, a Delaware
20 Corporation; and DOES 1 through 100
inclusive,

Defendants.

No. **08 CV 1076 W NLS**

**REQUEST FOR JUDICIAL
NOTICE IN SUPPORT OF
NOTICE OF REMOVAL OF
CIVIL ACTION**

Complaint Filed: May 8, 2008

21 Pursuant to Rule 201 of Federal Rules of Evidence, Defendant
22 General Motors Corporation ("GM"), in support of its Notice of Removal to
23 Federal Court, respectfully requests that the Court take judicial notice of the
24 following facts, which are not reasonably subject to dispute and capable of
25 accurate and ready determination by resort to sources whose accuracy cannot
26 reasonably be questioned:

27 1. A document printed from General Motors Corporation's website,
28 showing that the suggested retail price of the base model of the least expensive

A/72566209.1/0201222-0000333376

REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF
NOTICE OF REMOVAL OF CIVIL ACTION

1 GM vehicle, the Chevy Aveo, is \$10,895. A true and correct copy this document,
2 available by accessing the following link and clicking the "print" button:
3 [http://www.gm.com/shop/results.jsp?bodyStyle=11&bodyStyle=12&lowPrice=100](http://www.gm.com/shop/results.jsp?bodyStyle=11&bodyStyle=12&lowPrice=10000&highPrice=65000&fuel=E85&fuel=HYBRID&fuel=DIESEL&fuel=30MPG&fuel=GAS&)
4 [00&highPrice=65000&fuel=E85&fuel=HYBRID&fuel=DIESEL&fuel=30MPG&f](http://www.gm.com/shop/results.jsp?bodyStyle=11&bodyStyle=12&lowPrice=10000&highPrice=65000&fuel=E85&fuel=HYBRID&fuel=DIESEL&fuel=30MPG&fuel=GAS&)
5 [uel=GAS&](http://www.gm.com/shop/results.jsp?bodyStyle=11&bodyStyle=12&lowPrice=10000&highPrice=65000&fuel=E85&fuel=HYBRID&fuel=DIESEL&fuel=30MPG&fuel=GAS&), is attached hereto as Exhibit A.

6 The price of this vehicle is capable of accurate and ready verification
7 by accessing GM's own website. See *O'Toole v. Northrop Grumman Corp.*, 499
8 F.3d 1218, 1224-1225 (10th Cir. 2007) (finding trial court erred by denying request
9 for judicial notice of records of retirement fund earnings published on defendant's
10 website; noting that "It is not uncommon for courts to take judicial notice of
11 factual information found on the world wide web."). As this information is taken
12 from GM's own website and the suggested prices are set by GM, its accuracy
13 cannot reasonably be questioned. Therefore, judicial notice is proper.

14
15 DATED: June 17, 2008

Bingham McCutchen LLP

16
17 By: 

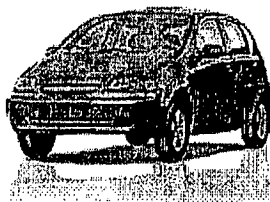
18 Wendy M. Lazerson
19 Attorneys for Defendant
20 General Motors Corporation
21
22
23
24
25
26
27
28

EXHIBIT A

Print Preview

CLOSE

My Vehicle Selection

**2008 Chevrolet Aveo 5 Door****MSRP*: \$10,895 - \$12,680**

A good thing in a small package, Aveo comes well equipped in two body styles Aveo5, and the Aveo Sedan. Take your pick from tons of options, like an in-dash 6 disc CD player, steering-wheel mounted audio controls and leatherette surfaces.

MPG: Up to 24 mpg city / 34 mpg hwy**Seating:** Up to 5 Adults**Towing Capacity:** No rating available**Horsepower:** 103 hp

Towing Range based on lowest to highest ratings with available powertrain and drivetype combinations, and optional equipment
Horsepower Range based on lowest to highest ratings with available powertrain and drivetype combinations, and optional equipment

*Manufacturer's Suggested Retail Price. Tax, title, license, dealer fees, and optional equipment extra.